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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 TRACY WEBB,
11 Plaintiff(s),

12 v.

13 BOULEVARD MALL, et al.,
14 Defendant(s).
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Case No.: 2:18-cv-1293-JAD-NJK

**REPORT AND
RECOMMENDATION**

16 On July 19, 2018, the Court denied Plaintiff's application to proceed *in forma pauperis*
17 without prejudice. Docket No. 3. The Court ordered Plaintiff to either file a completed application
18 to proceed *in forma pauperis* or pay the filing fee, no later than August 20, 2018. *Id.* The Court
19 expressly warned Plaintiff that "[f]ailure to comply will result in a recommendation to the district
20 judge for dismissal of this action." *Id.* Notwithstanding that explicit warning, Plaintiff has not
21 complied.

22 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
23 prejudice.

24 Dated: August 28, 2018

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NANCY J. KOPPE
United States Magistrate Judge
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NOTICE

Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days of service of this document.**

The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).